

**SENATE JOURNAL****EIGHTH DAY****MORNING SESSION**

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

**Roll Call**– All Senators present

**Prayer** – Pastor France A. Davis, Calvary Baptist Church

**READING OF TITLES OF BILLS AND RESOLUTIONS**  
**(PLEASE REFER TO DAY 1, PAGE 18)**

**DAILY SENATE JOURNAL**

Mr. President: January 25, 1999

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the fifth day and find it correct with minor amendments noted on the final copy.

Peter Knudson,  
Committee Member

Committee report read and adopted.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 22, 1999

The House passed **H.B. 6**, EDUCATOR PROFESSIONAL DEVELOPMENT REQUIREMENTS, by Representative R. Siddoway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 16**, COLLEGIATE LICENSE PLATES, by Representative A. Bradshaw, and it is transmitted for consideration; and

The House passed **H.B. 20**, ADOPTION PRESENTATIONS IN THE PUBLIC SCHOOLS, by Representative R. Siddoway, and it is transmitted for consideration; and

The House passed **H.B. 24**, B AND C FUND DISTRIBUTION, by Representative T. Hatch, and it is transmitted for consideration; and

The House passed **H.B. 36**, DRIVER LICENSE IDENTIFICATION, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 45**, SCHOOL BUS SAFETY, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 190**, MEDICAID CHOICE CERTIFICATE, by Representative R. Short, and it is transmitted for consideration; and

The House passed **H.B. 194**, CONSUMER CREDIT ISSUES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 205**, SCHOOL BUS TRAFFIC SAFETY REQUIREMENTS, by Representative D. Ure, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 6, H.B. 16, H.B. 20, H.B. 24, H.B. 36, H.B. 45, H.B. 190, H.B. 194, and H.B. 205** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate: January 22, 1999

The Rules Committee recommends assignment of the following bills to standing committees:

#### **Education**

**S.B. 90** Higher Education Scholarships (R. Montgomery)

#### **Human Services**

**S.B. 95** Appropriation for Assistive Technology (B. Evans)

#### **Transportation & Public Safety**

**S.B. 89** Corrections Program Sunset Repeal (M. Waddoups)  
Steven Poulton,  
Rules Committee Chair

Report filed.

### **STANDING COMMITTEE REPORTS**

Mr. President: January 22, 1999

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 11**, DRIVER LICENSING AMENDMENTS, by Senator M. Peterson, with the following amendments:

- 1.. Page 1, Lines 6-7:  
Delete "PROVIDING ANONYMITY FOR REPORTS OF IMPAIRED DRIVER LICENSE APPLICANTS OR LICENSEES" and insert "MAKING TECHNICAL CORRECTIONS"
2. Page 2, Line 44:  
Delete "70" and insert "80"
3. Page 5, Line 125:  
Delete the colon
4. Page 5, Line 126:  
Delete "(a)" and reinstate the period and delete " and "
5. Page 5, Line 127:  
Delete all of line 127; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 91**, WEAPONS - TECHNICAL AMENDMENTS, by Senator M. Waddoups.

Michael G. Waddoups, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 11**, as amended, and **S.B. 91** were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### STATE ELECTIONS COMMISSION

**S.B. 36**

*D. Edgar Allen*

Introduced by Short Title, was read for the first time and referred to the Rules Committee.

### PROCUREMENT CODE REQUIREMENT OF HEALTH CARE BENEFITS

**S.B. 37**

*Ed P. Mayne*

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; REQUIRING A BUSINESS TO PROVIDE HEALTH INSURANCE COVERAGE TO EMPLOYEES AS A CONDITION FOR CONTRACTING WITH THE STATE; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**QUALITY ASSURANCE ON  
CONSTRUCTION OF PUBLIC BUILDINGS**

**S.B. 38**

*Ed P. Mayne*

AN ACT RELATING TO ADMINISTRATIVE SERVICES; ESTABLISHING REQUIREMENTS FOR CONSTRUCTION MATERIALS TESTING AND INSPECTIONS ON PUBLIC BUILDINGS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**COURT JURISDICTION AMENDMENTS**

**S.B. 104**

*Lyle W. Hillyard*

AN ACT RELATING TO THE JUDICIAL CODE; PROHIBITING ACTIONS AGAINST GOVERNMENTAL ENTITIES FROM BEING TRIED AS SMALL CLAIMS ACTIONS; CLARIFYING THE JURISDICTIONAL RELATIONSHIP BETWEEN MUNICIPAL AND COUNTY JUSTICE COURTS; AND MAKING TECHNICAL CORRECTIONS, was read for the first time and referred to the Rules Committee.

**NEW JUDICIAL POSITIONS**

**S.B. 105**

*Lyle W. Hillyard*

AN ACT RELATING TO THE JUDICIARY; INCREASING THE NUMBER OF JUDGES IN THE FIRST AND SEVENTH JUDICIAL DISTRICTS FROM ONE TO TWO; AND PROVIDING AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

**REGULATION OF OFF-ROAD VEHICLES**

**S.B. 106**

*Lyle W. Hillyard*

AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN OFF-HIGHWAY VEHICLE PROVISIONS; PROVIDING CERTAIN DEFINITIONS; AMENDING OFF-HIGHWAY VEHICLE ROUTE MAPPING AND POSTING OF SIGNS; AMENDING CERTAIN EQUIPMENT REQUIREMENTS; AMENDING PROVISIONS FOR THE USE OF MONIES IN THE OFF-HIGHWAY VEHICLE ACCOUNT AND MAKING TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**LICENSURE FOR PEOPLE WITH CERTAIN DISABILITIES****S.B. 107***Ed P. Mayne*

AN ACT RELATING TO PUBLIC SAFETY; AMENDING CERTAIN DRIVER LICENSE MEDICAL ADVISORY BOARD DUTIES RELATED TO INTRASTATE COMMERCIAL DRIVER QUALIFICATIONS, was read for the first time and referred to the Rules Committee.

**ICE CREAM AND MILK DISPENSER REQUIREMENTS****S.B. 109***Gene Davis*

AN ACT RELATING TO AGRICULTURE; AMENDING THE UTAH DAIRY ACT TO ALLOW ICE CREAM CABINETS TO BE LOANED TO A RETAILER IF CERTAIN CONDITIONS ARE MET, was read for the first time and referred to the Rules Committee.

**LIMIT ON PLAN CHECK FEE****S.B. 110***Michael G. Waddoups*

AN ACT RELATING TO CITIES AND TOWNS; AND PROHIBITING CITIES AND TOWNS FROM IMPOSING PLAN CHECK FEES UNDER CERTAIN CIRCUMSTANCES, was read for the first time and referred to the Rules Committee.

**UNFINISHED BUSINESS**

**S.B. 20**, SPECIAL MITIGATION FOR MENTALLY ILL OFFENDERS, was before the Senate.

On motion of Senator Julander, Creighton C. Horton, assistant Attorney General, spoke in Committee of the Whole. Senators Montgomery, Stephenson, E. Allen, and Spencer commented. Senators M. Evans, Spencer and Valentine declared a conflict of interest. The bill passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.****Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Hull
Jones	Julander	Knudson	Mansell

Mayne	Montgomery	Muhlestein	Nielson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Beattie			

### THIRD READING CALENDAR

**Sub. S.B. 9**, LONG TERM CARE AMENDMENTS, was read the third time, explained by Senator Nielson, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Hull
Jones	Julander	Knudson	Mansell
Mayne	Montgomery	Muhlestein	Nielson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Beattie			

**Sub. S.B. 9** was transmitted to the House.

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**S.B. 79**, SALES TAX EXEMPTION FOR MANUFACTURED HOMES, was read the third time. Senator Hillyard explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

**Yeas, 28; Nays, 1; Absent, 0.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Hull
Jones	Julander	Knudson	Mansell
Mayne	Montgomery	Muhlestein	Nielson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Voting in the negative was:** Senator  
Peterson

**S.B. 79** was transmitted to the House.

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**Sub. S.B. 75**, FINANCIAL IDENTITY FRAUD, as amended, was read the third time, explained by Senator Davis, and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Absent or not voting was:** Senator

M. Evans

**Sub. S.B. 75**, as amended, was transmitted to the House.

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**S.B. 83**, HEBER VALLEY HISTORIC RAILROAD AUTHORITY – REAUTHORIZATION, was read the third time, explained by Senator B. Evans, and passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Hull
Jones	Julander	Knudson	Mansell
Mayne	Montgomery	Muhlestein	Nielson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Beattie			

**S.B. 83** was transmitted to the House.

## **SECOND READING CALENDAR**

**H.J.R. 3**, JOINT RULES AMENDMENTS RESOLUTION, was read the second time. On motion of Senator Hillyard, the bill was circled.

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**H.B. 233**, REVISOR'S STATUTE, was read the second time. Senator Hillyard explained the bill. Senator Valentine commented. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Absent or not voting was:** Senator  
Blackham

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**S.B. 24**, THEFT AND PROPERTY DAMAGE AMENDMENTS, was read the second time. Senator Dmitrich explained the bill. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

**Absent or not voting was:** Senator  
Blackham

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**S.B. 30**, DRUG DEALING PENALTY AMENDMENT, was read the second time. Senator Hull explained the bill. Senator Hillyard commented. The bill passed on the following roll call:



**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Dmitrich	B. Evans
M. Evans	Hale	Hellewell	Hillyard
Howell	Hull	Jones	Julander
Knudson	Mayne	Montgomery	Muhlestein
Nielson	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Beattie		

**Absent or not voting were:** Senators

Blackham	Davis	Mansell
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**S.B. 7, YOUTH PAROLE AUTHORITY AMENDMENTS**, was read the second time. Senator Hull explained the bill. Senators Knudson and Beattie commented. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Hull	Jones	Julander
Knudson	Mayne	Montgomery	Muhlestein
Nielson	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddoups	Beattie		

**Absent or not voting were:** Senators

Blackham	Howell	Mansell
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**S.B. 10, PUBLIC ASSISTANCE ELIGIBILITY**, as amended, was read the second time. Senator Peterson explained the bill. Senators Muhlestein, Hillyard, R. Allen, Valentine, and Beattie commented. On motion of Senator Knudson, the bill was circled.

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On motion of Senator Jones, the circle was removed from **S.B. 14, SNOWMOBILE USER FEE**, as amended, and it was before the Senate. Senator

Jones explained the bill. On motion of Senator Jones, the bill was amended as follows:

1. Page 1, Lines 25–26:  
Reinstate lines 25 and 26 that were removed in the Transportation and Public Safety Committee

Senators Beattie, Hillyard, Spencer, and Valentine commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

E. Allen	R. Allen	Davis	Dmitrich
M. Evans	Hale	Hellewell	Hillyard
Jones	Julander	Knudson	Mansell
Mayne	Montgomery	Peterson	Steele
Stephenson	Suazo	Waddoups	Beattie

**Voting in the negative were:** Senators

B. Evans	Muhlestein	Poulton	Spencer
Valentine			

**Absent or not voting were:** Senators

Blackham	Howell	Hull	Nielson
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On motion of Senator Suazo, staff was authorized to draft legislation as requested by Salt Lake City Prosecutors Office which would straighten prosecution of domestic abuse.

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**S.B. 74, CHILD CARE PROVIDER CRIMINAL BACKGROUND CHECK AMENDMENTS**, was read the second time. Senator Suazo explained the bill. Senators Hillyard, E. Allen, Beattie, and Steele commented. On motion of Senator Suazo, the bill was circled.

## INTRODUCTION OF BILL

### USE OF HIGH OCCUPANCY VEHICLE LANES

**S.B. 103**

*L. Alma Mansell*

AN ACT RELATING TO MOTOR VEHICLES; AMENDING LEFT LANE RESTRICTION PROVISIONS; PROVIDING CERTAIN PENALTIES; AND

MAKING TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

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On motion of Senator L. Hillyard and at 11:53 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 26, 1999.

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